REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF CULVER CITY,
CALIFORNIA

July 11, 2012
7:00 p.m.

Call to Order & Roll Call

The meeting of the Planning Commission was called to order at 7:03 p.m.

Present: Anthony Pleskow, Chair*
Scott Wyant, Vice Chair
John Kuechle, Commissioner
Linda Smith Frost, Commissioner

* Chair Pleskow left the meeting at 8:00 p.m.

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Pledge of Allegiance

Sol Blumenfeld, Community Development Director, led the Pledge of Allegiance.

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Comments for Items NOT on the Agenda

No speakers came forward and no cards were received.

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Action Items

Item A-1

Election of Officers and Appointment of Committees

Jeremy Green, Deputy City Clerk Pro Tempore, administered the Oath of Office to Kevin Lachoff.

Thomas Gorham, Planning Manager, provided a brief summary of the item.

MOVED BY COMMISSIONER SMITH FROST, SECONDED BY CHAIR PLESKOW AND UNANIMOUSLY CARRIED THAT THE PLANNING COMMISSION APPOINT VICE CHAIR WYANT TO SERVE AS CHAIR OF THE PLANNING COMMISSION FOR FISCAL YEAR 2012-2013.

MOVED BY COMMISSIONER SMITH FROST, SECONDED BY COMMISSIONER PLESKOW AND UNANIMOUSLY CARRIED THAT THE PLANNING COMMISSION APPOINT COMMISSIONER KUECHLE TO SERVE AS VICE CHAIR OF THE PLANNING COMMISSION FOR FISCAL YEAR 2012-2013.

Discussion ensued between staff and Commissioners resulting in the following assignments:

Board of Zoning Adjustment:
Commissioner Smith Frost - Member
Commissioner Lachoff - Member

Community Development Block Grant Advisory Committee:
Commissioner Pleskow - Member
Chair Wyant - Alternate

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Public Hearing

Item PH-2
(Out of Sequence)

1) Modification to a previously approved Administrative Site Plan Review (ASPR/M P-2012073) to allow additional building square footage; 2), an Administrative Modification (AM P-2012074) to the parking requirements; and 3) an Administrative Modification (AM P-2012079) to the maximum height at 9920 Jefferson Boulevard

Jose Mendivil, Associate Planner, provided a brief summary of the material of record.

Sol Blumenfeld, Community Development Director, discussed the parking modification request noting proposed conditions to address possible concerns with the additional building footprint and parking.

Discussion ensued between staff and Commissioners regarding the modification to height limit and a proposed reduction to required parking; the standard administrative modification; clarification that the building was well under construction when they determined that the project would not accommodate their needs and felt it was important to add the additional footage; offsite parking; number of proposed employees; associated businesses; bicycle parking; revised condition #77; clarification that clients would not be visiting the location; staggered employee hours; visitor parking; concern with employee parking on the street; and adding language to require employees to park onsite.

Chair Wyant opened the public hearing and invited public comment.

The following members of the audience addressed the Commission:

Navy Banvard, architect for the project, indicated that they had reviewed the report and were in agreement.

Discussion ensued between staff, Commissioners, and the speaker regarding photovoltaic requirements; updated drawings; the roof plan; construction drawings and the plan check set; building plan check; clarification on the change in the design; conditions of the original project vs. current conditions; concern with establishing precedent; the frequency of two-step processes; admin modifications; extraordinary conditions; the sloping site and height envelope; and the topography of the site.

Dean Gebroe, Friends of Culver City Dog Park, indicated that they did not oppose the project.

Yvonne Hunt, Administrative Secretary, read a comment card submitted by:

Vicki Redholtz

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER PLESKOW AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION CLOSE THE PUBLIC HEARING.

Discussion ensued between staff and Commissioners regarding changes to language in the resolution and typographical errors; the nature of the property use; clarifying the language of the findings; the hardship classification; clarifying that parking requirements can not be met with tandem parking; the multi-tiered process; adding a condition that the employees must park onsite; concern that the architect made the error; the slope of the site; the potential solution of valet parking; the 10% flex; a suggestion to add a condition to install signage to direct users of the site to pull forward on the loop to activate the light; adding a condition to require tenants to park onsite; concern with allowing someone to do something in two steps that they could not do in one; and clarification that had the developer submitted a set of plans initially it would have been the same request, standard and findings.

MOVED BY COMMISSIONER PLESKOW, SECONDED BY VICE CHAIR KUECHLE AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION: APPROVE RESOLUTION 2012-P007 AS AMENDED WITH THE RECOMMENDED CONDITIONS OF APPROVAL.

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Item PH-1

1) Zoning Code Amendment (ZCA P-2011154) to amend Section 17.230.015, Table 2-8 of the Culver City Municipal Code, to allow for the expansion of existing private schools located in the Industrial General (IG) Zone, subject to approval of a Modification to an existing Conditional Use Permit; and 2) Modification to the existing Conditional Use Permit (CUP/M P-2011156) for the Willows Community School located at 8509 Higuera Street to permit the phased expansion of the school's operations to add 150 students, and expand school operations to abutting properties located at 8476 Warner Drive, 8510 Warner Drive, and 8525 Higuera Street

Commissioner Pleskow indicated the need to recuse himself from the item as both his children attended the Willows School and he left the dais.

Joshua Williams, Associate Planner, provided a brief summary of the material of record.

Chair Wyant opened the public hearing and invited public comment.

The following members of the audience addressed the Commission:

Lisa Rosenstein, Willows Community School, discussed the 20-year master plan for the school; their commitment to support Culver City; traffic mitigations; and a public benefit contribution to reimburse the City for the lost opportunity cost.

Mark Armbruster, Counsel for the Willows School, provided an overview of important issues to consider; noted a lack of opposition to the item at community meetings; discussed reasons for previous opposition to the Zoning Code Amendment; concern with incremental development; potential impacts on the City's revenue base; efforts of the school to address concerns; the maximum enrollment increase and project footprint; CEQA analysis for the long-range plan; whether Culver City is disproportionately burdened by the number of private schools in the City; providing a model for other schools; protecting the City financially; the lost opportunity cost; and improvements to the community as a result of the proposal.

Dwight Long, Pfau Long Architecture, provided a presentation on the project and highlighted Phase 1 community benefits.

Paul Silvern, HR&A Advisors, provided a presentation on the opportunity cost impacts of the project and discussed the public benefit payment conditions of approval.

Mark Armbruster, Counsel for the Willows School, discussed the efforts of the school to address concerns of the City.

Scott Volz expressed support for the Willows School project.

Bobby Perez expressed support for the Willows School project.

Diana Koontz, Culver Middle School Theatre Arts Program, discussed the generosity of the Willows School and she expressed support for the Willows School project.

Michael Hackman expressed support for the project as he felt the Willows School fostered a sense of community, brought credibility to the area, and encouraged investment and development in the area.

Andrew Wontauk expressed support for the Willows School project.

Thomas Gorham, Planning Manager, read a written comment from:

Linda Shahenian

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER SMITH FROST AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION CLOSE THE PUBLIC HEARING.

Discussion ensued between staff, Commissioners and Jeff Melman regarding information on previous commitments from The Willows School when trying to obtain prior approvals; belief that the Willows had promised that they would never expand; commitments made in 1994, 2000 and 2004; comments made by Stephen Gourley in 2009; an assertion that there was never a commitment made in writing; comments made by Ms. Rosenstein in 2009 that the they should not be held to a commitment made in 2000 not to expand; the importance of having a good understanding regarding what was said, not just what was included in a legal enforceable document; a request to receive information with adequate time to review it; and a promise at a meeting six months ago to provide information regarding previous commitments.

Further discussion ensued between the Commission and Mr. Armbruster regarding time spent on the long-range plan to clarify plans for the next 20 years; the value of promises and prior commitments; inability of the Willows School to find evidence of prior commitments not to expand; the record vs. the recollection of Stephen Gourley; actions taken in 1994; and agreement of the school to speak to those involved at the time and provide information to the Commission.

Additional discussion ensued between Commissioners and representatives from the Willows School regarding facility use by the public; Willows School use of Culver City parks; percentage of Culver City residents at the school; establishing parameters; codifying enrollment size and remaining a K-8 campus as part of the record to preclude future issues; campus footprint; efforts to find information on previous commitments; private school uses of public parks; competition between school and other uses; the reservation process; Syd Kronenthal Field; the joint use agreement; investigation of alternative facilities; clarification regarding charges for City use vs. private party use; construction permits and the status of the school as a sensitive receptor; the sales tax allowance; the proposed sales tax increase; reductions to the amount of the opportunity cost reimbursements; the Motor Vehicle License

Tax; concern with consistency of the funding source; Prop 22; Parcel 5; and Phase 3.

Discussion ensued between staff and Commissioners regarding concern that other schools are affected by the item; clarification that the change can't be made specific to one particular parcel or school but other schools would have to apply for the same modification if they want to make changes; changes to a use in a specific zone; concern with voluntary contributions; adjusting language from 'volunteer' to 'shall' to ensure payments; the text amendment requiring economic study; the need to mitigate financial impacts; proposed text amendment language to clarify results of the economic study; concern that the other two schools would be bound by the agreement but have not been heard from; clarification that the other schools were notified of the proposed text amendment; the 20-year Master Plan from The Willows School; getting an idea of what other schools have planned for the future; the impact of the Expo Line in the City and changes to the area; the dependence of the City on sales tax revenues; a sales tax clause if retail begins to move in the area; the vision for the General Plan and zoning of the Hayden Tract; the encouragement of educational facilities; the land use element; coexisting uses analyzed for compatibility; how the school benefits the City; the zone change in 2005; concern that school uses were taking up valuable industrial property; The Help Group; clarification the amount of land used for schools is not significant; the legal establishment of the schools; the code amendment prohibiting the ability to add even one more student; opportunities for expansion; the 2000 census; clarification that half of the students attending school in Culver City are from outside of the City; concern with the City having to shoulder more than their share; the importance of schools in society and of subsidizing schools; the percentage of school use in commercial and industrial zones in the City; and work of the Willows School to address issues brought up by the Commission

Vice Chair Kuechle disclosed that he and Commissioner Smith Frost had discussed the matter previously.

Additional discussion ensued between staff and Commissioners regarding support for the Willows School; concerns with the current proposal; the need for more detailed information; whether the project is in the best interests of Culver City; impacts of the amendment to other schools; affects of the dissolution of redevelopment; concerns with the text amendment; clarification that any expansion needs to start out with a CUP; imposing limits on the expansion; concern with unlimited expansion; a suggestion to indicate that future expansion would only be permitted on immediately adjoining parcels; guidance on what to do with an economic analysis; clarifying the opportunity cost loss for the Commission and for the applicant; the voluntary contribution; having the text amendment indicate that the payments are required for future expansions; concern with park use; requiring businesses to pay fair value for use of the parks; costs for use of fields at West LA College; concern with getting the correct information regarding the actual extent of park use; the joint use agreement; special deals extended to the school for priority park use; concern with the City subsidizing their use; the number of students using the park; concern that Willows in not paying their way; the 75+ page cost analysis; use of the Willows V property; the intent of the owners of the California Stay and WorldPac properties; impact of the Expo Line; parking restrictions on public street parking; donating City assets to mitigate impacts of a project; the need for compensation; the need to understand prior commitments by the Willows School; acknowledgement of commitments made in 2000 by Ms. Rosenstein in 2009; acknowledgement that having the school in the Hayden Tract draws people there; the 20-year plan; the drive aisle from the Higuera side to the Warner side; zoning code amendments and the CUP modification; support for the design, plans and financial analysis; acknowledgement that the Willows School has been a good neighbor; consideration of the best interests of the City; a suggestion to allow more time to fine tune the project and resolve issues; the loss of redevelopment funding; recovering revenue; actual costs of services provided by the City; the cost analysis; and next best use of the property.

Mark Armbruster, Counsel for the Willows School, discussed use of the parks and City facilities; City policies; the CUP; and increased use if the number of students is increased.

Heather Baker, Assistant City Attorney, confirmed that the joint use agreement is separate from the CUP.

Discussion ensued between staff, Commissioners and Mr. Armbruster regarding use of City parking spaces to mitigate effects of the expansion; the full build-out; clarification that adequate parking is on site but street parking was proposed if a need arose; the zone text amendment; and concerns with scheduling and a request from the school that action be taken and recommendations forwarded to the City Council.

Discussion ensued between staff and Commissioners regarding concern with being pressured to act; clarification regarding possible actions the Commission can take moving forward; making recommendations to the City Council vs. punting to the City Council; timing and delays to the item due to redevelopment issues; the need for additional information; and a request to expedite matters.

Mark Armbruster, Counsel for the Willows School, requested that the Planning Commission move the zone code amendment forward with their recommendation and fast track the CUP to the August 8 meeting, and he indicated that the school intended to answer any questions and provide requested information.

Further discussion between Commissioners and Mr. Armbruster ensued regarding concern with making recommendations without additional information; issues related to the zone code amendment; concern with potential impacts of the text amendment to other schools in the area; the opportunity cost; concern with having an industrial area potentially disappear; clarification that the zone code amendment only applies to the existing three schools; options for the Commission moving forward; delays to the item; the need to act upon the information before the Commission; additional information requested from staff; incorporating the adjoining parcel limitation; buy-in from the two other schools to abide by the limitations; clarification on what would happen if the Commission votes no; adjustments to the payment schedule based on changes to the Hayden Tract; clarifying the Commission's position with regard to what they want to see on the CUP; assistance of the Willows School to provide additional information; additional information regarding Syd Kronthenthal Park; the cost calculations and cost analysis; and information requested by Commissioners;

Mark Armbruster, Counsel for the Willows School, indicated unwillingness of the Willows School to provide additional information regarding the HR&A analysis, Willows V, California Stay, WorldPac, Syd Kronenthal Park, and statements made 16 years ago, and he discussed the desire of the Commission for a buy-in from other schools.

Discussion ensued among Commissioners regarding expediting the process; zoning code amendment procedures; including the legal obligation to reimburse the City and limiting development to adjacent parcels as part of the zoning code amendment recommendation to the City Council; addressing the buy-in issue at the City Council level; the impact to the City of having an open ended invitation to other schools to expand; and the economic study.

Chair Wyant proposed to recommend denial of the zoning code amendment to the City Council. Motion died for lack of a second.

Staff and Commissioners discussed next steps in the process.

MOVED BY VICE CHAIR KUECHLE AND SECONDED BY COMMISSIONER SMITH FROST THAT THE PLANNING COMMISSION CONTINUE THE MATTER TO AUGUST 8, 2012 WITH CONDITIONS AS STATED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	KUECHLE, LACHOFF, SMITH FROST
NOES:	WYANT
ABSTAIN:	NONE
ABSENT:	NONE
RECUSED:	PLESKOW

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Consent Calendar

Item C-1

Meeting Minutes - May 9, 2012, May 23, 2012 and June 13, 2012

MOVED BY COMMISSIONER SMITH FROST AND SECONDED BY VICE CHAIR KUECHLE THAT THE PLANNING COMMISSION APPROVE THE MINUTES OF MAY 9, 2012, MAY 23, 2012 AND JUNE 20, 2012. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	KUECHLE, SMITH FROST, WYANT
NOES:	NONE
ABSTAIN:	LACHOFF
ABSENT:	PLESKOW

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Items from Staff

Thomas Gorham, Planning Manager, discussed upcoming meetings and agenda items and welcomed new Commissioner Lachoff.

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Items from Planning Commissioners

Commissioners welcomed new Commissioner Lachoff.

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Adjournment

There being no further business, at 11:01 p.m. the Culver City Planning Commission adjourned to the next regular meeting on Wednesday, August 8, 2012, at 7:00 p.m. in the Mike Balkman Council Chambers.

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YVONNE D. HUNT
SECRETARY of the CULVER CITY PLANNING COMMISSION

APPROVED 8-8-12

SCOTT WYANT
CHAIR of the CULVER CITY PLANNING COMMISSION
City of Culver City, California

I declare under penalty of perjury under the laws of the State of California that, on the date below written, these minutes were filed in the Office of the City Clerk, City of Culver City, California and constitute the Official Minutes of said meeting.

Martin R. Cole

Martin R. Cole
CITY CLERK

28 AUG 2012

Date